

10 CSR 10-6.050 Start-Up, Shutdown and Malfunction Conditions

(1) Applicability. This regulation applies to all installations in the state of Missouri.

(2) Definitions. Definitions of certain terms in this rule, other than those specified in this rule section, may be found in 10 CSR 10-6.020.

(3) General Provisions.

(A) In the event of a malfunction, which results in excess emissions that exceeds one (1) hour, the owner or operator of such facility shall notify the Missouri Department of Natural Resources' Air Pollution Control Program in the form of a written report which shall be submitted within two (2) business days. The written report shall include, at a minimum, the following:

1. Name and location of installation;
2. Name and telephone number of person responsible for the installation;
3. Name of the person who first discovered the malfunction and precise time and date that the malfunction was discovered;
4. Identity of the equipment causing the excess emissions;
5. Time and duration of the period of excess emissions;
6. Cause of the excess emissions;
7. Air pollutants involved;
8. Estimate of the magnitude of the excess emissions expressed in the units of the applicable requirement and the operating data and calculations used in estimating the magnitude;
9. Measures taken to mitigate the extent and duration of the excess emissions; and
10. Measures taken to remedy the situation which caused the excess emissions and the measures taken or planned to prevent the recurrence of these situations.

(B) The owner or operator shall notify the Missouri Department of Natural Resources' Air Pollution Control Program at least ten (10) days prior to any maintenance, start-up or shutdown, which is expected to cause an excess release of emissions that exceeds one (1) hour. If notice cannot be given

ten (10) days prior to any maintenance, start-up or shutdown, which is expected to cause an excess release of emissions, notice shall be given as soon as practicable prior to the maintenance, start-up or shutdown or orally as soon as practical during normal working hours after the release and no later than close of business of the following working day with written notice to follow within ten (10) working days of the release. The owner or operator of such facility shall notify the Missouri Department of Natural Resources' Air Pollution Control Program in the following ways: a written report including:

1. Name and location of installation;
2. Name and telephone number of person responsible for the installation;
3. Name of the person who first discovered the malfunction and precise time and date that the malfunction was discovered;
4. Identity of the equipment causing the excess emissions;
5. Time and duration of the period of excess emissions;
6. Type of activity and the reason for the maintenance, start-up or shutdown;
7. Type of air contaminant involved;
8. Estimate of the magnitude of the excess emissions expressed in the units of the applicable emission control regulation and the operating data and calculations used in estimating the magnitude;
9. Measures taken to mitigate the extent and duration of the excess emissions; and
10. Measures taken to remedy the situation which caused the excess emissions and the measures taken or planned to prevent the recurrence of these situations.

(C) Upon receipt of a notice of excess emissions issued by the Missouri Department of Natural Resources or an agency holding a certificate of authority under section 643.140, RSMo, the source to which the notice is issued may provide information showing that the excess emissions were the consequence of a malfunction, start-up or shutdown. Based upon any information submitted by the source operator and any other pertinent

information available, the director or the commission shall make a determination whether the excess emissions constitute a malfunction, start-up or shutdown and whether the nature, extent and duration of the excess emissions warrant enforcement action under section 643.080 or 643.151, RSMo.

1. In determining whether enforcement action is warranted, the director or commission shall consider the following factors:

A. Whether the excess emissions during start-up, shutdown or malfunction occurred as a result of safety, technological or operating constraints of the control equipment, process equipment or process;

B. Whether the air pollution control equipment, process equipment or processes were, at all times, maintained and operated to the maximum extent practical, in a manner consistent with good practice for minimizing emissions;

C. Whether repairs were made as expeditiously as practicable when the operator knew or should have known when excess emissions were occurring;

D. Whether the amount and duration of the excess emissions were limited to the maximum extent practical during periods of this emission;

E. Whether all practical steps were taken to limit the impact of the excess emissions on the ambient air quality;

F. Whether all emission monitoring systems were kept in operation if at all possible;

G. Whether the owner or operator's actions in response to the excess emissions were documented by properly signed, contemporaneous operating logs, or other relevant evidence;

H. Whether the excess emissions were not part of a recurring pattern indicative of inadequate design, operation or maintenance; and

I. Whether the owner or operator properly and promptly notified the appropriate regulatory authority.

2. The information provided by the source operator under paragraph (3)(C)1. shall include, at a minimum, the following:

- A. Name and location of installation;
- B. Name and telephone number of person responsible for the installation;
- C. Name of the person who first discovered the malfunction and precise time and date that the malfunction was discovered;
- D. The identity of the equipment causing the excess emissions;
- E. The time and duration of the period of excess emissions;
- F. The cause of the excess emissions;
- G. The type of air contaminant involved;
- H. A best estimate of the magnitude of the excess emissions expressed in the units of the applicable emission control regulation and the operating data and calculations used in estimating the magnitude;
- I. The measures taken to mitigate the extent and duration of the excess emissions; and
- J. The measures taken to remedy the situation which caused the excess emissions and the measures taken or planned to prevent the recurrence of these situations.

(D) Nothing in this rule shall be construed to limit the authority of the director or the commission to take appropriate action, under sections 643.080, 643.090 and 643.151, RSMo to enforce the provisions of the Air Conservation Law and the corresponding rule.

(E) Compliance with this rule does not automatically absolve the owner or operator of such facility of liability for the excess emissions reported.

(4) Reporting and Record Keeping.

(A) The information specified in subsection 3(C) shall be submitted to the director not later than fifteen (15) days after receipt of the notice of excess emissions. Information regarding the type and amount of emissions and time of the episode shall be recorded and kept on file. This data shall be included in emissions reported on any required Emissions Inventory Questionnaire.

(B) The information submitted according to paragraphs (3)(A)2., (3)(B)2. and (3)(C)2., shall be kept on file at the installation for a period of five (5) years. This data shall be included in emissions reported on any required Emissions Inventory Questionnaire. The information shall be available to the director upon request.

(5) Test Methods *(Not Applicable)*

EPA Rulemakings

Description: EPA approved affirmative defense provisions in subsection (3)(C) and added additional information requirements in subsection (3)(A) and paragraph (3)(C)2. Language was added in subsections (3)(A) and (3)(B) to set a threshold of one hour for excess emissions which require a written report. The definitions section was removed. The format of the rule was revised to be consistent with the state's new standard rule format. Other minor clarifying changes were made.

[illegible]

Description: The EPA approved a new regulation governing start-up, shutdown, and malfunction conditions. Provisions in existing regulations 10 C.S.R. 10-2.030, 3.050, 3.080, 4.030, 4.040, and 5.050 were deleted.

[illegible]

Difference Between the State and EPA-Approved Regulation

None.